

03-29-04  
Image

# RCE

PTO/SB/30 (09-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
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Alexandria, VA 22313-1450

|                        |                 |
|------------------------|-----------------|
| Application Number     | 09/901,548      |
| Filing Date            | July 9, 2001    |
| First Named Inventor   | H. UTSUGI       |
| Art Unit               | 2872            |
| Examiner Name          | Thong Q. Nguyen |
| Attorney Docket Number | 01405/LH        |

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Petition for Extension of Time

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☒ Other Form PTO/SB/122 - Customer No. 01933

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 06-1378

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 770.00 & 950.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                   |               |                                   |                |
|-------------------|---------------|-----------------------------------|----------------|
| Name (Print/Type) | Leonard Holtz | Registration No. (Attorney/Agent) | 22,974         |
| Signature         |               | Date                              | March 26, 2004 |

**CERTIFICATE OF MAILING OR TRANSMISSION** Express Mail - See Attached

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                   |              |      |                |
|-------------------|--------------|------|----------------|
| Name (Print/Type) | Ian T. Volek | Date | March 26, 2004 |
| Signature         |              |      |                |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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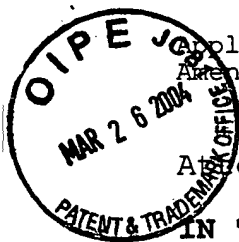
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Ian T. Volek

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Application No. 09/901,548  
Amendment Filed Concurrently with RCE

Customer No. 01933

Attorney Docket No. 01405/LH

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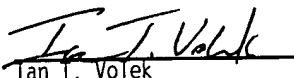
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Date of Deposit: March 26, 2004

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): H. UTSUGI  
Serial No. : 09/901,548  
Filed : July 9, 2001  
For : MICROSCOPE FOCUSING  
APPARATUS  
Art Unit : 2872  
Examiner : Thong Q. Nguyen

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**AMENDMENT FILED CONCURRENTLY WITH RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R :

This is responsive to the Office Action mailed December 30, 2003, the term for response to which is extended by three months by petition filed concurrently herewith to March 30, 2004.

**Amendments to the Claims** are set forth in the listing of claims which begins on page 2 of this paper. Claims 1-7, 13, 15 and 16 are canceled; claims 8, 10 and 14 are amended; claims 9, 11 and 12 are maintained; and claims 17-23 are added.

**Remarks** begin on page 7 of this paper.